Response under 37 CFR 1.116
Expedited Examining Procedure
Examining Group 1756

MAIL STOP AF
Docket H10276CFR
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert D. Fields

ELECTROPHOTOGRAPHIC TONER AND DEVELOPER PROCESS WITH IMPROVED CHARGE TO MASS STABILITY

Serial No. 09/880,689

Filed 13 June 2001

Group Art Unit: 1756

Examiner: Janis L. Dote

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen J. Wacenske

11-16-06
Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. 1.131

We, Robert D. Fields, Patrick M. Lambert, Dinesh Tyagi and James H. Anderson declare that:

(1) I, Robert D. Fields graduated from Bucknell University with a BS in Chemical Engineering in 1970. Received a PhD in Chemical Engineering from Cornell University in 1973.

I have been employed by Eastman Kodak Company from 1973 to the present. I am currently a Scientist Fellow. Since 1985 until the present my responsibilities have been the area of electrophotographic materials development. I. In view of this academic and professional technical experience, I can say, with appropriate modesty, that I have at least ordinary skill in the art to which the present invention pertains, namely electrophotographic toners.

(2) I, Patrick M. Lambert graduated from California State University at Sacramento with a BS in Chemistry in 1981. I received a PhD in Chemistry from Cornell University in 1985.

I have been employed by Eastman Kodak Company from 1985 to the present. I am currently a Research Associate. Since 1997 until the present my

responsibilities have been in the area of electrophotographic materials development. In view of this academic and professional technical experience, I can say, with appropriate modesty, that I have at least ordinary skill in the art to which the present invention pertains, namely electrophotographic toners.

(3) I, Dinesh Tyagi graduated from IT Delhi India with Bachelor of Technology in Chemical Engineering in 1980. I received a PhD in Chemical Engineering and Polymer Science from Virginia Tech in 1985.

I have been employed by Eastman Kodak Company from 1986 to 1999 and from 2004 to the present. I was employed by Nexpress, a joint venture of Heidelberg and Kodak, from 1999 to 2004. I am currently a Research Associate. I can say, with appropriate modesty, that I have at least ordinary skill in the art to which the present invention pertains, namely electrophotographic toners.

(4) I, James H. Anderson graduated from Stanford University with a BS in physics and mathematics in 1960. I received a PhD in Materials Science from Stanford University in 1965.

I was employed by Eastman Kodak Company from 1982 to 2004. I am currently retired. I worked chiefly in the areas of triboelectrification and characterization of electrophotographic toners. I can say, with appropriate modesty, that I have at least ordinary skill in the art to which the present invention pertains, namely electrophotographic toners.

(5) Copies of all the laboratory notebook pages referred to below are provided with this Declaration.

(6) We are familiar with the Office Action dated July 18, 2006, that has been received during the prosecution of the present application, and the art cited therein, and we believe that we understand the Examiner's arguments in support of his rejections of the presently claimed invention.

(7) Prior to May 14, 2001, in the United States, a series of toners of a crosslinked styrene butyl acrylate copolymer (SB77XL), carbon black pigment (Carbon Black Pearls 430), an organo iron charge control agent (CA-12 (T-77), an inorganic metal chelate charge control agent as shown in Table 1, page 22 of the specification) and a wax (Polywax 300) wherein the wax additive included one control and 6 different levels.of waxes was requested as shown by NEXPRESS PILOT LAB MATERIALS REQUEST (Exhibit A). This Material Request was

labeled Lot # 9800-62. The request date, start date and completion date of this request are all are prior to May 14, 2001.

(8) The polymer is prepared by a limited coalescence reaction as shown in Exhibit B. Exhibit B contains selected pages from the Polymer Manufacturing Process used by Eastman Kodak Company. Page 1 of Exhibit B shows the chemical reaction for producing polymer SB77XL. Page 2 of Exhibit B lists the starting materials to make the toner. Page 3 is the process description. The toner made in paragraph 7 followed this procedure. The dates of approval for this manufacturing procedure have been redacted and are prior to May 14, 2001. In Exhibit B, page 2, the starting materials are listed and include Nalcoag 1060 a colloidal silica which approximately 0.1 weight percent of the toner. The colloidal silica is uncharged as the reaction occurs in water.

(9) Prior to May 14, 2001, in the United States, Louise Granica, Laboratory Technician as shown in Notebook reference A0035, page 5, (Exhibit C) blended toner from Lot 9800-62 in paragraph 7 above silica particles ranging (R972) as a surface treatment in concentrations from 0.15 weight percent to 0.5 weight percent in a charged state. The silica is identified as R972, which is colloidal silica available from Nippon Aerosil as described on page 23 of the specification. This toner was exercised with strontium ferrite carrier particles identified by FCX 4664G400.

(10) That all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. These statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 11-15-2006 — Dinesh Tyagi

Date: 11-15-2006 — Patrick M. Lambert

Date: 11-15-06 — James H. Anderson

Date: 11/15/06 — Robert D. Fields